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## Amendment &amp; Response

Serial No.: 10/702,369

Confirmation No.: 8480

Filed: 6 November 2003

For: BEAK TREATMENT WITH TONGUE PROTECTION

Amendments to the Claims

This listing of claims replaces all prior versions, and listings, of claims in the above-identified application:

1. (Previously Presented) A method of treating the lower beak of a bird, the method comprising:
  - positioning a bird head in a bird head positioning device, wherein the bird head positioning device comprises first and second major sides, and a beak receiving aperture formed through the first and second major sides of the bird head positioning device, wherein at least a portion of the lower beak of the bird head protrudes through the beak receiving aperture and is exposed proximate the second major side of the bird head positioning device;
  - pressing inward on the throat of the bird proximate the base of the lower beak using a tongue control protrusion protruding from a surface defining the beak receiving aperture in the bird head positioning device, wherein the pressing is directed towards the tongue of the bird;
  - emitting energy from a non-contact energy source; and
  - directing the energy emitted from the non-contact energy source at the second major surface of the bird head positioning device, wherein the energy is incident on the lower beak exposed proximate the second major side of the bird head positioning device while pressing inward on the throat of the bird.
2. (Original) A method according to claim 1, wherein the pressing is performed while the bird head is positioned in the bird head positioning device.
3. (Original) A method according to claim 1, wherein the pressing is performed after the bird head is positioned in the bird head positioning device.
4. (Original) A method according to claim 1, further comprising adjusting a force used to perform the pressing.

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5. (Original) A method according to claim 1, further comprising limiting a force used to perform the pressing
6. (Canceled)
7. (Canceled)
8. (Previously presented) A method according to claim 1, wherein the tongue control protrusion extends into the beak receiving aperture.
9. (Original) A method according to claim 8, further comprising adjusting a distance by which the tongue control protrusion extends into the beak receiving aperture.
10. (Original) A method according to claim 8, wherein the tongue control protrusion extends into the beak receiving aperture by a fixed distance.
11. (Previously Presented) An apparatus for treating the lower beak of a bird, the apparatus comprising:
  - a bird head positioning device comprising first and second major sides and a beak receiving aperture formed through the first and second major sides, the bird head positioning device adapted to position the head of a bird proximate the first major side, wherein at least a portion of the lower beak of the bird head protrudes through the beak receiving aperture and is exposed proximate the second major side of the bird head positioning device;
  - a non-contact energy source emitting energy;
  - an energy director directing energy from the non-contact energy source, wherein energy emitted from the non-contact energy source is incident on at least a portion of the lower beak exposed proximate the second major side of the bird head positioning device; and

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a tongue control protrusion protruding from a surface defining the beak receiving aperture in the bird head positioning device, wherein the tongue control protrusion presses into the throat of the bird proximate the lower beak when the lower beak of the bird head protrudes through the beak receiving aperture.

12. (Original) An apparatus according to claim 11, wherein the tongue control protrusion is fixedly mounted relative to the beak receiving aperture of the bird head positioning device.

13. (Original) An apparatus according to claim 11, wherein the tongue control protrusion is movably mounted relative to the bird head positioning device, wherein the position of the tongue control protrusion relative to the beak receiving aperture is adjustable when the lower beak of the bird head protrudes through the beak receiving aperture.

14. (Original) An apparatus according to claim 11, further comprising a resilient member biasing the tongue control protrusion into a position in which the tongue control protrusion presses into the throat of the bird proximate the lower beak when the lower beak of the bird head protrudes through the beak receiving aperture.

15. (Previously Presented) An apparatus for treating the beak of a bird, the apparatus comprising:

a bird head positioning device adapted to position the head of a bird such that at least a portion of the beak of the bird protrudes from a beak receiving aperture of the bird head positioning device;

a non-contact energy source emitting energy;

an energy director directing energy from the non-contact energy source at the portion of the beak protruding from the beak receiving aperture; and

a tongue control protrusion protruding from a surface defining the beak receiving aperture, wherein the tongue control protrusion is located within the beak receiving aperture

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such that the tongue control protrusion presses into the throat of the bird proximate a lower beak of the bird.

16. (Original) An apparatus according to claim 15, wherein the tongue control protrusion is fixedly mounted within the beak receiving aperture.

17. (Original) An apparatus according to claim 16, wherein the tongue control protrusion is movably mounted within the beak receiving aperture, wherein a distance by which the tongue control protrusion extends into the beak receiving aperture is adjustable.

18. (Original) An apparatus according to claim 15, further comprising a resilient member biasing the tongue control protrusion into the beak receiving aperture.

19. (Previously Presented) An apparatus for treating the lower beak of a bird, the apparatus comprising:

a bird head positioning device comprising first and second major sides and a beak receiving aperture formed through the first and second major sides, the bird head positioning device adapted to position the head of a bird proximate the first major side, wherein at least a portion of the lower beak of the bird head protrudes through the beak receiving aperture and is exposed proximate the second major side of the bird head positioning device;

a non-contact energy source emitting energy;

an energy director directing energy from the non-contact energy source, wherein energy emitted from the non-contact energy source is incident on at least a portion of the lower beak exposed proximate the second major side of the bird head positioning device; and

a tongue control protrusion extending into the beak receiving aperture, wherein the tongue control protrusion is fixedly mounted relative to the beak receiving aperture of the bird head positioning device, and wherein the tongue control protrusion presses into the throat of the

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bird proximate the lower beak when the lower beak of the bird head protrudes through the beak receiving aperture.

20. (Previously Presented) An apparatus for treating the beak of a bird, the apparatus comprising:

- a bird head positioning device adapted to position the head of a bird such that at least a portion of the beak of the bird protrudes from a beak receiving aperture of the bird head positioning device;

- a non-contact energy source emitting energy;

- an energy director directing energy from the non-contact energy source at the portion of the beak protruding from the beak receiving aperture; and

- a tongue control protrusion extending into the beak receiving aperture, wherein the tongue control protrusion is fixedly mounted and located within the beak receiving aperture, and wherein the tongue control protrusion presses into the throat of the bird proximate a lower beak of the bird.

21. (Previously Presented) A method of treating the lower beak of a bird, the method comprising:

- positioning a bird head in a bird head positioning device, wherein the bird head positioning device comprises first and second major sides, and a beak receiving aperture formed through the first and second major sides of the bird head positioning device, wherein at least a portion of the lower beak of the bird head protrudes through the beak receiving aperture and is exposed proximate the second major side of the bird head positioning device;

- pressing inward on the throat of the bird proximate the base of the lower beak using a tongue control protrusion fixedly mounted within the beak receiving aperture, wherein the pressing is directed towards the tongue of the bird;

- emitting energy from a non-contact energy source; and

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directing the energy emitted from the non-contact energy source at the second major surface of the bird head positioning device, wherein the energy is incident on the lower beak exposed proximate the second major side of the bird head positioning device while pressing inward on the throat of the bird.

22. (Previously Presented) An apparatus for treating the lower beak of a bird, the apparatus comprising:

- a bird head positioning device comprising first and second major sides and a beak receiving aperture formed through the first and second major sides, the bird head positioning device adapted to position the head of a bird proximate the first major side, wherein at least a portion of the lower beak of the bird head protrudes through the beak receiving aperture and is exposed proximate the second major side of the bird head positioning device;

- a non-contact energy source emitting energy;

- an energy director directing energy from the non-contact energy source, wherein energy emitted from the non-contact energy source is incident on at least a portion of the lower beak exposed proximate the second major side of the bird head positioning device;

- a tongue control protrusion located proximate the bird head positioning device, wherein the tongue control protrusion presses into the throat of the bird proximate the lower beak when the lower beak of the bird head protrudes through the beak receiving aperture; and

- a resilient member biasing the tongue control protrusion into a position in which the tongue control protrusion presses into the throat of the bird.

23. (Previously Presented) An apparatus for treating the beak of a bird, the apparatus comprising:

- a bird head positioning device adapted to position the head of a bird such that at least a portion of the beak of the bird protrudes from a beak receiving aperture of the bird head positioning device;

- a non-contact energy source emitting energy;

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an energy director directing energy from the non-contact energy source at the portion of the beak protruding from the beak receiving aperture;

a tongue control protrusion extending into the beak receiving aperture, wherein the tongue control protrusion is located within the beak receiving aperture such that the tongue control protrusion presses into the throat of the bird proximate a lower beak of the bird; and

a resilient member biasing the tongue control protrusion into the beak receiving aperture.

24. (Previously presented) A method according to claim 1, wherein the surface defining the beak receiving aperture extends between the first and second major sides of the bird head positioning device.

25. (Previously presented) An apparatus according to claim 11, wherein the surface defining the beak receiving aperture extends between the first and second major sides of the bird head positioning device.

26. (Previously presented) A method of treating the lower beak of a bird, the method comprising:

positioning a bird head in a bird head positioning device, wherein the bird head positioning device comprises first and second major sides, and a beak receiving aperture formed through the first and second major sides of the bird head positioning device, wherein at least a portion of the lower beak of the bird head protrudes through the beak receiving aperture and is exposed proximate the second major side of the bird head positioning device;

pressing inward on the throat of the bird proximate the base of the lower beak using a fixed tongue control protrusion protruding directly from a surface defining the beak receiving aperture in the bird head positioning device, wherein the position of the tongue control protrusion is fixed such that the tongue control protrusion remains stationary relative to the beak receiving aperture;

emitting energy from a non-contact energy source; and

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directing the energy emitted from the non-contact energy source at the second major surface of the bird head positioning device, wherein the energy is incident on the lower beak exposed proximate the second major side of the bird head positioning device while the tongue control protrusion presses inward on the throat of the bird.

27. (Previously presented) An apparatus for treating the lower beak of a bird, the apparatus comprising:

a bird head positioning device comprising first and second major sides and a beak receiving aperture formed through the first and second major sides, the bird head positioning device adapted to position the head of a bird proximate the first major side, wherein at least a portion of the lower beak of the bird head protrudes through the beak receiving aperture and is exposed proximate the second major side of the bird head positioning device;

a non-contact energy source emitting energy;

an energy director directing energy from the non-contact energy source, wherein energy emitted from the non-contact energy source is incident on at least a portion of the lower beak exposed proximate the second major side of the bird head positioning device; and

a tongue control protrusion protruding directly from a surface defining the beak receiving aperture in the bird head positioning device, wherein the tongue control protrusion presses into the throat of the bird proximate the lower beak when the lower beak of the bird head protrudes through the beak receiving aperture.

28. (New) A method according to claim 1, wherein:

the beak receiving aperture formed through the first and second major sides of the bird head positioning device comprises a first opening in the first major side of the bird head positioning device and a second opening in the second major side of the bird head positioning device; and wherein the surface defining the beak receiving aperture extends from the first opening in the first major side to the second opening in the second major side of the bird head positioning device, wherein the surface faces the beak receiving aperture and extends around a



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perimeter of the beak receiving aperture between the first major side and the second major side, and wherein the lower beak of the bird head protrudes through the second opening in the second major side of the bird head positioning device;

and wherein the tongue control protrusion pressing inward on the throat of the bird proximate the base of the lower beak is a fixed tongue control protrusion that protrudes into the beak receiving aperture directly from the surface that defines the beak receiving aperture in the bird head positioning device, and wherein the position of the tongue control protrusion is fixed such that the tongue control protrusion remains stationary relative to the surface that defines the beak receiving aperture.

29. (New) An apparatus according to claim 11, wherein:

the beak receiving aperture formed through the first and second major sides of the bird head positioning device comprises a first opening in the first major side of the bird head positioning device and a second opening in the second major side of the bird head positioning device; and wherein the surface defining the beak receiving aperture extends from the first opening in the first major side to the second opening in the second major side of the bird head positioning device, wherein the surface faces the beak receiving aperture and extends around a perimeter of the beak receiving aperture between the first major side and the second major side, and wherein the lower beak of the bird head protrudes through the second opening in the second major side of the bird head positioning device;

and wherein the tongue control protrusion is a fixed tongue control protrusion that protrudes into the beak receiving aperture directly from the surface that defines the beak receiving aperture in the bird head positioning device, wherein the position of the fixed tongue control protrusion is fixed such that the tongue control protrusion remains stationary relative to the surface that defines the beak receiving aperture.